

REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

A detailed listing of all claims that are, or were, in the application, irrespective of whether the claims remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-25 and 28 are now pending in this application.

Claim Rejections – 35 U.S.C. §103

In Section 2 of the Office Action the Examiner rejected claims 1-6, 13, and 28 under 35 U.S.C. §103(a) as being unpatentable over Lebby et al. (U.S. Patent No. 6,115,618) in view of Branson (U.S. Published Patent Application No. 2003/0071832). Also in Section 11 of the Office Action the Examiner rejected claims 1, 7, 10-12, 16-20, and 22-25 under 35 U.S.C. §103(a) as being unpatentable over Oliwa et al. (U.S. Patent No. 4,856,088) in view of Lebby et al. further in view of Branson. Further still, in Section 24 of the Office Action the Examiner rejected claims 8, 9, and 21 under 35 U.S.C. §103(a) as being unpatentable over Oliwa et al. in view of Lebby et al. further in view of Branson as applied to claims 1 and 16 above, and further in view of “a comparison of the displayed technologies for e-books” by Dr. J. William Doane. And still further, in Section 27 of the Office Action, the Examiner rejected claims 14 and 15 under 35 U.S.C. §103(a) as being unpatentable over Oliwa et al. in view of Lebby et al. further in view of Branson as applied to claim 1 above, and further in view of Morrison et al. (U.S. Published Patent Application No. 2002/0154382).

Applicants respectfully traverse all of these rejections. Each of the rejections relies in part on the use of Branson. However, Applicants submit that Branson is unavailable as a prior reference against claims 1-25 and 28 of the present application. A declaration by the inventor of independent claims 1, 16, and 28 pursuant to 37 C.F.R. §1.131 has been provided herewith,

which provides evidence that the subject matter recited in independent claims 1, 16, and 28 was invented prior to the filing date of Branson. Branson was filed on October 11, 2001 as U.S. Patent Application No. 09/976,661. The attached declaration establishes that the subject matter recited in independent claims 1, 16, and 28 was conceived at least by September 17, 2001. Attachments to the declaration include various information that establishes that the subject matter recited in claims 1, 16, and 28 was conceived by the inventor, Sean R. Gettemy, at least by September 17, 2001, which is before the October 11, 2001 filing date of Branson.

Accordingly, Applicants respectfully submit that Branson is unavailable as a prior art reference against independent claims 1, 16, and 28 of the present application, and therefore respectfully request that the rejection of independent claims 1, 16, and 28 be withdrawn and therefore be allowed. Given the allowability of independent claims 1, 16, and 28, Applicants respectfully submit that claims depending from independent claims 1, 16, and 28 making up the balance of pending claims 1-25 and 28 are therefore also allowable.

Double Patenting

In Section 30-48 of the Office Action the Examiner rejected various claims under obviousness type double patenting in view of co-pending Application No. 10/085924. Applicants hereby submit a terminal disclaimer in compliance with 37 C.F.R. 1.321(c) overcoming the provisional rejection. Accordingly, Applicants respectfully request the double patenting rejections be withdrawn.

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to

Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. § 1.136 and authorize payment of any such extensions fees to Deposit Account No. 06-1447.

Respectfully submitted,

Date October 18, 2004

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